

## **REMARKS/ARGUMENTS**

### **Claims**

Claims 1-28 are pending in this application. Claims 1 and 6 have been canceled without prejudice or disclaimer. Claims 2, 3, 5, 7, 8, 11 and 13 have been amended. No new matter has been added.

### **Claim Rejections under 35 U.S.C. §102**

Claims 1-3 and 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by either Gallery et al. U. S. Patent 5,941,614 or Claussen U. S. Patent 5,997,108.

### **Claim Objections**

Claims 4, 5 and 7-20 have been indicated as containing allowable subject matter but have been objected to as depending from a rejected claim. The dependency of these claims has been changed to depend from claim 2 which has been amended to be in independent form. For the reasons set forth in the patentability remarks below, claim 2 is submitted to be patentable.

### **Allowable Claims**

Claims 21-28 are allowable over the prior art of record. No amendments have been made to claims 21-28.

### **Patentability of Claims 2 and 3**

Claims 2 and 3 have been amended to be independent form by incorporating therein all of the subject matter of claim 1. The most significant feature of the invention defined in amended claim 2 is “a setting selection switch (50A) of a target speed setting means” which can select a plurality of target speeds set in advance and is shown in Figure 2. The most significant feature of the invention defined in claim 3 is “a setting speed switch (50B) of a

target speed setting means" which can set a target speed in continuous way and is shown in Figure 2. Neither of the Gallery '614 reference or the Claussen '108 reference disclose these features of claims 2 and 3.

Both the Gallery '614 and Claussen '108 references fail to disclose the setting selection switch (50A) of claim 2 and the setting speed switch (50B) of claim 3. Gallery discloses a manually operable switch 32 in column 2, line 56, which is an on/off switch used to select a hill descent mode when turned on, as described in column 3, lines 35 through 57. Claussen discloses an actuating switch 11 in column 2, line 36, which serves to switch on an active braking function.

Claims 2 and 3 therefore patentably distinguish over both Gallery and Claussen.

### **CONCLUSION**

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By Gene W. Stockman  
Gene W. Stockman  
Reg. No. 21,021  
(703) 684-1120

GWS/cmd  
Date: August 9, 2006